

1 JAMES D. BERKLEY (SBN 347919), jdb@msk.com
MITCHELL SILBERBERG & KNUPP LLP
2 2049 Century Park East, 18th Floor
Los Angeles, CA 90067-3120
3 Telephone: (310) 312-2000
Facsimile: (310) 312-3100

4 Attorney for Cognosphere Pte. Ltd.
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 In re DMCA Subpoena to X Corp. dba Twitter
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MISC. CASE NO. 3:23-mc-80294-PHK

Judge: Hon. Peter H. Kang

**DECLARATION OF JAMES D.
BERKLEY IN SUPPORT OF
STIPULATION REGARDING
EXTENSION OF TIME TO FILE JOINT
DISCOVERY LETTER**

*[Stipulation and [Proposed] Order Filed
Concurrently Herewith]*

1 I, James D. Berkley, declare as follows:

2 1. I am an attorney-at-law, duly licensed to practice law in the State of California and
3 before this Court. I am Special Counsel at the law firm of Mitchell Silberberg & Knupp LLP
4 (“MSK”), and am counsel of record for Cognosphere Pte. Ltd. (“Cognosphere”), movant in this
5 miscellaneous matter. Unless otherwise noted, I know the following of my own personal
6 knowledge and, if called as a witness, could and would competently testify thereto.

7 2. On November 6, 2023, Cognosphere initiated this miscellaneous matter by filing a
8 request with the Court for issuance of a subpoena to X Corp. pursuant to 17 U.S.C. §512(h).

9 3. On November 7, 2023, this Court issued the proposed subpoena, which identified a
10 response date of November 22, 2023 (the “Subpoena”).

11 4. On November 21, 2023, X Corp. responded to the Subpoena with written
12 objections. Since that date the Parties have met and conferred, but the Parties have been unable to
13 agree upon resolution regarding Cognosphere’s requests to produce information.

14 5. On December 18, 2023, Cognosphere made a request to X Corp. for a meeting of
15 lead counsel pursuant to the Court’s Discovery Standing Order.

16 6. The Parties conducted an in-person meeting on December 28, 2023. At that
17 meeting, the Parties agreed that a resolution could not be reached without participation of the
18 Court, and that the Parties’ respective positions should be presented by joint letter as set forth in
19 the Discovery Standing Order (the “Joint Discovery Letter”).

20 7. As provided by the Discovery Standing Order, the Joint Discovery Letter would be
21 due within five business days, or Friday, January 5, 2024.

22 8. In light of the end-of-year holidays, the Parties’ respective schedules, and the need
23 of Cognosphere’s counsel to communicate with its client overseas, the Parties believe it is
24 appropriate to extend the deadline for filing the Joint Discovery Letter. The Parties have thus
25 agreed, upon the Court’s consent, to extend the deadline for filing the Joint Discovery Letter by
26 one week and one additional business day, to Tuesday, January 16, 2024.

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